K.S.R. 10/5.

1947

File No. O. Limitation 47

Legal DEPARTMENT

A BRANCH

Subject:—

Opinions under the Indian Limitation Act, 1908.

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Office of theR.L.A.

It appears from the G.R. (Development Department) No.S.D. 972, dated 25th June 1926 that the B.B. &C.I. Railway relinquished the land in favour of the Bombay Government for disposal tothe Bombay Municipality n conditio that the acturl sale ~~gum~~ proceeds of the land plus the capitalised val e of the aba ement of land revenue assessable thereon at the time of sale should be credited to the capital account of the railway. It is therefore apparent that it was for this Government to recover from the Bombay Municipality theprice of the land and thecapitalised value of the abatement of land revenue and thelimitation for enforcing that claim against the Bombay Municipality is sixty -ears under Article 149 in the First Schedule to the Indian Limitation Act, 1908.

It appears that it was in 1942 that the B.B. and C.I. Railway became a State-owned and S~~tate~~-managed Railway and consequently it is possible to contend ~~to~~ that the claim of theRailway against the Bombay Government for the price of the land and the capitalised valued of the abatement of land revenue, which arose in 1924-25 is time barred; byt that contention does not appear quite material since it is for the Bombay Government to enfor e its claim against the Bombay Municipality and that claim is still in time.

O.C. Id/- D.V.V.
Remembrancer of Legal Affairs.

U.R. to R.D. No. 63 , dated the 3rd. January 1947.

V.VK.
7-5-56.

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Office of the R.L.A.

The claim of the District Local Board, Kaira for he Dharsod amount of case recovered by Government for the years 1928-29 to 1941-42 to and credited to Government account is now time barred under Article 62 of the First Schedule to Limitation Act, 1908 . The Board can legally claim the Dharsod amount for the last three years(cf.R.L.A.'s No.8367,dated the 28th November 1944).

O.C. Sd/- R.T.K.
for Remembrancer of Legal Affairs.

U.O.R. to G.D. No. 084, dated the 24th January 1947.

V.VK.
7/5/1956.

4C.

Office of the R.LA.

Government Resolution (Revenue Department) No.5141, dated the 8th May 1915, whereunder a claim for refund of royalty fees can be entertained by Government prescribes no limitation. Such claim would fall under Article 120 of the Limitation Act, 1908, which prescribes a period of six years; and that period will have to be computed from the date of the certificate.

O.C. Id/- P.M.L
dt/- 1/9/
Remembrancer of Legal Affairs.

U.R. to R.D. No. 8899, dated the 2nd September 1947.

V.VK.
7/5/1956.
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